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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,858	08/20/2001	Shinsuke Moriai	011049	3549

38834 7590 05/11/2006

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/931,858	<b>Applicant(s)</b> MORIAI, SHINSUKE	
	<b>Examiner</b> Christopher J. Brown	<b>Art Unit</b> 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, filed 2/22/2006, with respect to Double Patenting objections have been fully considered and are persuasive. The objections to the claims have been withdrawn.

Applicant's arguments filed 2/22/2006 with respect to the USC 103 rejection have been fully considered but they are not persuasive.

The applicant argues that Kim US 6,044,473 teaches that the power controlling mode is actuated when the display is turned to a point B and not when the casing of the terminal is closed. The examiner asserts, as cited by the applicant, that the switch is actuated when the display and main housing are at an angle of less than 90 degrees (Kim Col 3 lines 27-33).. "Closed" would be considered an angle of 0 degrees. Kim teaches that at this point a power controlling mode would be entered (Kim Col 3 line 33) Kim does not need to teach the data recording device with encrypted content data, because the primary reference, Sachs US 6,331,865 is relied on for such teachings.

The applicant argues that the examiner mischaracterizes Christensen US 5,996,078 because Christensen does not teach when the power switch is turned off power is supplied to complete the downloading of data. The examiner asserts that this is not the

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case. Kim is relied upon to teach a switch when actuated triggers a “power controlling mode”. Christensen teaches a power controlling mode wherein part of the power management consists of preventing a power shutoff if there is a download in progress. Thus it is the examiners assertion that the combination of Sachs-Kim-Christensen meets the limitations of claims 1-8.

Please see the previous office action as stated below:

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sachs US 6,331,865 in view of Kim US 6,044,473 in view of Christensen US 5,996,078.

As per claims 1, 3 and 5, 7 Sachs teaches a terminal for downloading from a distribution server encrypted content data and a content key, (Col 4 line 66- Col 5 line 7). Sachs teaches that downloading is only allowed upon authentication data is authenticated, (Col

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4 lines 1-10). Sachs teaches that after downloading the content key is used to decrypt the encrypted content data (Col 5 lines 13-16). Sachs does not teach power supply methods

Kim teaches a terminal with a switch to change the power status when the casing of the terminal is closed, (Col 3 lines 1-16). It would have been obvious to one of ordinary skill in the art to use the power sensor of Kim with the terminal of Sachs because it provides power management with a simple structure that can be repaired easily.

Christensen teaches a power management method, to prevent accidental power management, (Col 1 lines 43-46). Christensen teaches that power management is prevented in the case of a current download over a modem, (Col 3 lines 5-10). teaches that when the power switch is turned off, power supply control unit controls supplying power called to complete downloading data, (Col 5 lines 50-55).

It would have been obvious to one of ordinary skill in the art to use the power management of Christensen with the previous Sachs-Kim combination because it prevents disruption of application programs.

As per claims 2, 4, 6, and 8 the Sachs-Kim-Christensen combination teaches that the user terminal will suspend when the lid is closed, if there isn't modem communications, (Kim Col 3 lines 1-16), (Christensen Col 3 lines 5-10).

***Conclusion***

**3. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Christopher J. Brown

5/3/06

cg

*James H. Long*  
JAMES H. LONG  
PRIMARY EXAMINER